

Court Ex# 4

4/20/17

1st

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WEN BIN HUANG,

Plaintiff,

-v-

VERDICT SHEET

14-CV-0653 (VEC)

LI MING WU a/k/a LILY WU a/k/a LILY JIANG, and
AI QIN LIN a/k/a AI KIN,

Defendants.

X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/20/17

All jurors must agree on the answers to all of the questions.
 Jurors must answer the questions in the order they are presented.

ISSUE 1: DURATION OF PLAINTIFF'S EMPLOYMENT

1. When did Plaintiff work at the restaurant at 49 Division Street?

From 10/6/09 (date) to 11/23/13 (date)

2. Did Plaintiff temporarily stop working at the restaurant at 49 Division Street for some period of time?

Yes ✓ No _____

3. If you answered yes to Question 2:

(a) For how many weeks did Plaintiff temporarily stop working at the restaurant?

6 Weeks

(b) In what year(s) did Plaintiff temporarily stop working at the restaurant?

2012

ISSUE II: DEFENDANTS' EMPLOYER STATUS

4. Was Li Ming Wu Plaintiff's employer?

Yes ✓ No _____

5. Was Ai Qin Lin Plaintiff's employer?

Yes _____ No ✓

If you answered No to both Questions 4 and 5, do not answer the remaining questions. Turn to the end of the Verdict Sheet, sign the Verdict Sheet, and tell the marshal waiting outside the jury room that you have a verdict.

If you answered yes to either Question 4 or 5, proceed to Issue III.

ISSUE III: MINIMUM WAGE

6. How many compensable hours did Plaintiff work per day?

10 hours

7. How many days did Plaintiff work per week?

6 days

8. How many hours did Plaintiff work per week?

60 hours

9. What was Plaintiff's straight time rate of pay?

\$ 1.25

10. Are Defendants entitled to the tip credit reduction under:

(a) the FLSA?

Yes ✓ No _____

(b) New York Labor Law?

Yes _____ No ✓

11. Was Plaintiff paid at least minimum wage under:

(a) the FLSA?

Yes _____ No

(b) New York Labor Law?

Yes _____ No

If your answer to Question 8 was 40 hours or less, skip to Issue V. If your answer to Question 8 was more than 40 hours, answer the questions for Issue IV.

ISSUE IV: OVERTIME WAGES

12. What was Plaintiff's regular rate of pay?

\$  \$ 1.25

13. For each overtime hour Plaintiff worked, was Plaintiff paid the appropriate overtime rate under:

(a) the FLSA?

Yes _____ No

(b) New York Labor Law?

Yes _____ No

ISSUE V: SPREAD OF HOURS

14. Did Plaintiff's spread of hours exceed 10 hours on any given day at any time during her employment?

Yes _____ No

15. If and only if you answered yes to Question 14, indicate the number of days you find that the spread of hours exceeded 10 hours for Plaintiff.

_____ days per week from _____ to _____.

16. Was Plaintiff paid for spread of hours as required by New York law? **NA**

Not applicable

Yes _____

No _____

ISSUE VII: WILLFULLNESS

If you answered No to any of the following Questions—11(a) or (b), 13(a) or (b), or 16—you must answer Questions 17 and 18 below. If you answered Yes to all of those Questions, do not answer Questions 17 and 18 below.

17. Did Ai Qin Lin willfully violate the FLSA or New York Labor Law?

Yes _____

No

18. Did Li Wu Ming willfully violate the FLSA or New York Labor Law?

Yes

No _____

You are finished. The foreperson should ensure that each juror agrees with the answer to each question. If so, the foreperson should date and sign below.

Dated: April 20, 2017

Elaine Spay
Foreperson